

NEWS FROM DELAWARE'S OFFICE OF ENVIRONMENTAL PROTECTION, 11/22/11

The biweekly E-News Update features current information on the Divisions of Air Quality, Waste and Hazardous Substances & Water public meetings, workshops, hearings, and regulatory documents available for public comment, as well as news updates. For those of you who are receiving the E-News Update for the first time, the subscription is FREE! Please sign up at the following link under the Divisions of Air Quality & Waste and Hazardous Substances: <http://www.dnrec.delaware.gov/Pages/DNRECLists.aspx>. There is no form to fill out; it's done in three clicks!

Suggestions? Additions? Please call Tracy Sargent at (302) 739-9400, or send an email to tracy.sargent@state.de.us

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NEWS UPDATES:

ANNUAL STATE TRI DATA AND REPORTS AGAIN SHOW DECREASES IN EMISSIONS; COMPANY ANTI-POLLUTION EFFORTS, ECONOMIC CONDITIONS CONTINUE TO BE FACTORS

- The annual Toxics Release Inventory (TRI) data and reports for 2010 from Delaware's industrial facilities as compiled by the Department of Natural Resources and Environmental Control show a significant decrease in reported emissions compared to 2009 – and a continued trend in reduction since 1998, a baseline year when TRI reporting requirements expanded significantly and more facilities began reporting to the program. In this 24th year of TRI data collection from facilities, the 2010 data also reflects an impact that both anti-pollution efforts by industry and regulatory efforts by the government have played in the decrease in emissions. For the 2010 calendar year, 61 facilities reported releases of 79 different TRI chemicals in Delaware. Reported on-site releases to the environment were approximately 4.3 million pounds. Of this amount, approximately 3.5 million pounds were reported as released to the air, while 600,000 pounds were released to water and 210,700 pounds were released to land. For the TRI chemicals released to the air, 76 percent were from hydrochloric acid releases, largely from oil and coal-fired power plants. Total on-site releases reported for 2010 were lower by 19 percent (991,000 pounds) when compared to 2009. Most of the reduction was because the refining operations at Delaware City Refinery were shut down during 2010 and from reductions in acid gasses from the Calpine Edge Moor/Hay Road Power Plant and Invista Seaford facilities because they converted from coal to natural gas. For additional information, please contact John Parker at (302) 739-9405 or visit: <http://www.dnrec.delaware.gov/News/Pages/Toxic-emissions-and-releases-continue-to-decrease-in-Delaware.aspx>

EPA, DNREC REACH SETTLEMENT WITH DUPONT CORP. FOR WATER QUALITY VIOLATIONS

- The Delaware Department of Natural Resources and Environmental Control, the US Environmental Protection Agency, and state and federal Departments of Justice have entered into a consent decree with the DuPont Corp. in which the company has agreed to pay a penalty of \$500,000 for numerous violations of the DuPont Edge Moor plant site's National Pollutant Discharge Elimination System (NPDES) permit and other state and federal regulations. Many of the violations at the facility – which makes a white pigment from titanium used in the print and publishing industries – were pollutant discharges into the Delaware River that occurred between 2005 and 2011. All of the violations, including state and federal Clean Water Act noncompliance, are covered in the consent decree signed with DNREC and EPA. DNREC first issued a notice of violation to DuPont in April 2008 for numerous effluent discharges that exceeded permit limits and for violations of other general NPDES permit conditions that were not met. For additional information, please contact Robert Underwood at (302) 739- 9946 or visit: <http://www.dnrec.delaware.gov/News/Pages/EPA,-DNREC-reach-settlement-with-DuPont-Corp-for-water-quality-violations.aspx>

STATES URGE BROADER EPA AIR TRANSPORT RULES TO COMPLY WITH NEW OZONE LIMITS

-Mid-Atlantic and Northeast states are pushing EPA to pursue additional strict rules for curbing transport of air pollution from upwind states, fearing that without new agency action they will struggle to meet EPA ozone air standards even if they impose tough rules on all sources

within the states' control. At a Nov. 10 meeting of the Ozone Transport Commission (OTC) here, state officials praised EPA for issuing its final Cross-State Air Pollution Rule (CSAPR) to cut transport of nitrogen oxides (NOx) and sulfur dioxide (SO2) from power plants in 27 states, and welcomed pending rules expected to cut ozone by tightening fuel sulfur limits. But states also said more federal pollution reductions mandates are vital to help them meet the agency's ozone standard. "Air pollution is a national challenge, so it requires a national solution," said Collin O'Mara, head of Delaware's Department of Natural Resources and Environmental Control. He cited modeling data at the meeting showing areas in the OTC region of Mid-Atlantic and Northeast states that will struggle to attain EPA's 2008 ozone national ambient air quality standard (NAAQS) in the coming years, even with all existing and planned state and federal air rules. But a top EPA air official at the meeting said that EPA's priority for now is ensuring a robust CSAPR, which the agency has said will help toward meeting attainment by reducing transport of ozone-forming NOx emissions. Attainment is a major goal for states, because if they stay in nonattainment beyond Clean Air Act deadlines then EPA has the authority to impose sanctions that can include withholding of federal highway funding. Some critics of EPA's air standards also say that being in a nonattainment area can harm local economies by driving away businesses or being less appealing to prospective industries, given that companies do not want to locate in a nonattainment area where they might be subject to strict, expensive pollution controls or as part of a states' air quality plan for bringing that area into attainment or experience higher electricity prices as a result of a more rigorously controlled electricity sector. At the meeting, OTC adopted a resolution with majority support from its members for the group to craft a strategy on administrative and legal options to achieve major cuts in ozone pollution. The resolution "is the foundation for a broader conversation about a national solution," O'Mara said, calling it a "shift" for OTC to look at broader questions about a need for more federal policies on ozone reduction to help the OTC region. The states' resolution -- which passed with Pennsylvania objecting and Virginia abstaining -- directs OTC staff and state air directors "to evaluate mechanisms provided for under the Clean Air Act to address ozone nonattainment and transported pollution. The optimal strategy should strive to achieve both substantial emission reductions and public health benefits in the most cost-effective manner possible," the charge says. During a question-and-answer session with EPA air official Janet McCabe, Dan Esty of Connecticut's Department of Energy and Environmental Protection said of EPA's rules, "There are lots of us who want to say that we are with you in trying to get as much of this done in the next few months and year as possible, and there really are a number of us who are in the downwind-recipient class who are going to benefit enormously by these investments." But air officials also said that much more needs to be done to reduce transport of air pollution into their states, which will hinder their ability to attain EPA's 2008 ozone NAAQS of 75 parts per billion (ppb). Jeff Underhill of *New Hampshire* Department of Environmental Services' Air Resources Division said OTC's modeling run found there is a path to attainment for most areas by 2020, but that there are likely not enough pending emissions reductions from a combination of state and federal emission regulations for states classified in "marginal" nonattainment to come into attainment by their Clean Air Act deadline of 2015, or for "moderate" nonattainment areas to attain by 2018. As a result, several OTC areas will remain in nonattainment until at least 2018, and likely later. "There are not enough projected emission reductions for many potential Marginal or Moderate nonattainment areas to meet their projected attainment dates," according to Underhill's presentation. O'Mara said that the OTC modeling supports the notion that areas within OTC states will still be out of attainment despite pending pollution cuts and "we really need to look at a broader cross-state responsibility." State sources say that some areas may choose to "bump up" from marginal to moderate if it appears they will not be able to meet the standard in time, pushing their attainment deadline to 2018. One state air official says that many of the options available to states and EPA for reducing ozone would take years to implement, and "we don't have years. . . . I'm not sure that I can identify a measure that we can implement in that timeframe to prevent these areas -- or a number of them - - from failing to meet those dates." O'Mara argued that the next pollution control measures OTC states would have to consider are significantly more expensive than pollution control measures than in other states which have not placed significant controls on plants to reduce NOx or other pollutants. He emphasized the need for federal measures that are justified by health analyses, economics and "fundamental fairness," saying, "We can't do this on our own." The state source says the "biggest factor" in not meeting the ozone standard is that emission cuts expected from EPA's pending revised fuel and vehicle rules will not be fully phased yet due to a lack of fleet turnover. Unless owners are encouraged to sell old cars and buy new cars, the pollution cuts will not occur quickly, the source say. At the OTC meeting, Tad Aburn from Maryland said his state is taking all appropriate steps to regulating local sources within its control, but noted that the city of Baltimore has some of the lowest emissions of any city in the region but still has the highest

ozone levels due to transport of emissions from upwind states. "We would love to work with you," Aburn told EPA's McCabe. Aburn said it will take a combination of local control programs and federal control measures to accomplish attainment by 2020 for most areas. But McCabe downplayed the likelihood of EPA moving quickly and comprehensively toward addressing transport to help states meet the ozone limit. Responding to a question about what she could say on such efforts, McCabe said "probably not as much as you would like me to tell you," going on to say that the agency does understand that transport issues remain and that states are expected to address those in working toward the 75 ppb standard. "Our major energy at the moment is getting CSAPR solid, and right and finalized, and past the legal challenges that it is facing right now," McCabe said of the trading program -- which currently faces consolidated litigation from several states and power companies claiming flaws in the rule. McCabe added that while the agency is considering how to address transport at the 75 ppb standard, there is no rulemaking in the works at this point.

STATE ISSUES PERMIT TO TRANSFORM NRG DOVER ENERGY CENTER PROJECT WILL REDUCE AIR EMISSIONS BY MORE THAN 90 PERCENT AND CREATE UP TO 75 JOBS -

Governor Jack Markell and DNREC Secretary Collin O'Mara announced that an air quality construction permit has been issued to NRG Energy Center Dover for a project that will transform its current coal-fueled facility in Kent County into one of the nation's cleanest power plants. The Governor and Secretary O'Mara met with NRG Thermal President Michael Carroll at the facility today to tour the plant and see the numerous planned improvements. The Governor also announced that NRG will receive a \$500,000 grant from the Delaware Energy Efficiency Investment Fund, its first, which was established last year by the Delaware General Assembly (HB 129). The program helps local businesses making strategic capital equipment investments that reduce operating costs and support job creation, while reducing energy consumption and improving environmental performance. The project will create up to 75 construction jobs over the course of a year. NRG Energy, through its wholly owned subsidiary, NRG Thermal LLC, owns and operates the NRG Energy Center Dover LLC. The facility was built in 1984, commissioned in 1985 and currently consists of a 190,000 pound per hour coal-fueled steam boiler, two existing 45 MW simple cycle combustion turbines, and an 18MW electrical steam turbine generator that produces electrical power and heat, or steam production, as a combined heat and power cogeneration unit. Electric power is sold to PJM, part of the Eastern interconnection grid operating an electric transmission system serving Delaware and other states. The steam is sold to Kraft Foods and Procter and Gamble for their process needs. Under the permit, NRG Energy will retire its existing coal-fueled steam boiler, while continuing to serve its steam and electric customers. The company will install a natural gas low nitrogen oxide (NOx)-fired boiler and will convert one of two existing combustion turbines to a combined cycle operation that includes installing a heat recovery steam generator, replacing an existing stack, and adding emissions control equipment to reduce emissions of NOx, carbon monoxide, and volatile organic compounds (VOCs). Fuel efficiency of the natural gas fired cogeneration facility is expected to improve by 30 percent per unit of energy delivered. The project aligns with the state's public health, environment, and energy goals of reducing air emissions and providing clean, reliable and cost-effective power from existing sources as the state transitions toward cleaner sources of energy, including combined cycle natural gas and renewable energy. DNREC Secretary Collin O'Mara noted that NRG Energy's transition from coal to natural gas will significantly reduce or eliminate releases of NOx, sulfur dioxide (SO2), mercury, acid gasses, and other chemicals related to the combustion of coal. In 2010 NRG Energy Center Dover was the sixth highest ranked facility on Delaware's Air Toxics Release Inventory (TRI) report. The project will virtually eliminate all hydrochloric acid emissions, substantially reduce harmful emissions, and drop NRG Energy Center Dover from the TRI report entirely, once the natural gas fired cogeneration facility is operational. Following NRG's investment at the Dover Energy Center and the shutdown of Indian River Unit 3 at the Indian River Power Plant in 2013, the only remaining coal unit in Delaware will be Indian River Unit 4. NRG is currently investing \$360 million in emissions control upgrades that will make the plant among the cleanest existing coal-fired units in the nation. Using cleaner-burning natural gas at the Dover plant will result in significant emissions reductions, including SO2, NOx, particulate matter, mercury and other air pollutants. The project will prevent more than 4 million pounds of SO2, 800,000 pounds of NOx and 120,000 pounds of particulate matter from being emitted into the air annually. This results in reductions of 99 percent of SO2 and 92 percent of NOx emissions -- two air pollutants that can cause serious respiratory conditions -- and more than 65 percent of the smokestack particulate emissions. In addition, 117,000 pounds of hydrochloric and sulfuric acid, 14 million pounds of fly ash and bottom ash, and virtually all mercury and lead emissions produced from coal combustion will be eliminated.

For additional information, please contact Carol Riggs at (302) 739-9902 or visit:
<http://www.dnrec.delaware.gov/News/Pages/State-issues-permit-to-transform-NRG-Dover-Energy-Center.aspx>

UPCOMING AIR, WASTE & WATER-RELATED HEARINGS, MEETINGS & EVENTS:

BROWNFIELDS ADVISORY COMMITTEE – The Brownfields Advisory Committee will hold a meeting to review the draft Delaware Regulations Governing Hazardous Substance Cleanup and provide input for DNREC's Brownfields Development Program on December 1, 2011 from 9:00am – 12:30pm at the DNREC Lukens Drive Field Office, 391 Lukens Drive, New Castle - DE, 19720. For additional information, please contact Christina Wirtz at (302) 395-2600 or visit:
<http://calendar.delaware.gov/eGov/Calendar.nsf/Meetings/48C1E261280030DA8525792C004D0796?open>

DOCUMENTS AVAILABLE FOR PUBLIC COMMENT OR APPEAL:

LEGAL NOTICE WELL PERMITS – The following have filed an application:

Theodore Russell needs to construct an irrigation well. The well is proposed to be 100 feet deep and 12 inches in diameter. This well is located approximately 1070' east of Chaplins Chapel Rd and south of Redden Rd. The well is located about 4 miles north east of Bridgeville. The desired capacity of this well is 1000 gpm.

Wicks Farms LP needs to construct an irrigation well. The well is proposed to be 150 feet deep and 12 inches in diameter. This well is located approximately 10' west of Smyrna Leipsic Rd and south of Cr 85. The well is located about 5 miles south east of Smyrna. The desired capacity of this well is 1000 gpm.

A public hearing on the above application will NOT be held unless the Secretary of DNREC receives a request for a hearing by November 28, 2011. For additional information, please contact Patty Murray at (302) 739-9945 or visit:
<http://www.dnrec.delaware.gov/Lists/Public%20Notices/DispForm.aspx?ID=1282&Source=http%3A%2F%2Fwww%2Ednrec%2Edelaware%2Egov%2FLists%2FPublic%2520Notices%2FAllItems%2Easpx&ContentTypeId=0x010034FD6D348B0CF04392485E93FC15AB3A>

LEGAL NOTICE NON-HAZARDOUS LIQUID WASTE TRANSPORTERS PERMIT -

Notice is hereby given that Country Living Mobile Court, Inc. has applied to the Ground Water Discharges Section for a renewal of Non-Hazardous Liquid Waste Transporters Permit DE WH-041 which allows for the transport of septage to be disposed of at the South Coastal Regional Wastewater Facility. A public hearing on the above application will NOT be held unless the Secretary of DNREC receives a request for a hearing by November 28, 2011. For additional information, please contact Jennifer Owens at (302) 739-9948 or visit:

<http://www.dnrec.delaware.gov/Lists/Public%20Notices/DispForm.aspx?ID=1280&Source=http%3A%2F%2Fwww%2Ednrec%2Edelaware%2Egov%2FLists%2FPublic%2520Notices%2FAllItems%2Easpx&ContentTypeId=0x010034FD6D348B0CF04392485E93FC15AB3A>

WASTEWATER FACILITIES CONSTRUCTION PERMIT APPLICATIONS – The following have filed an application:

The Sussex County Engineering Department to construct eight inch (8") and ten inch (10") PVC gravity sewers; manholes; laterals and clean-outs; twenty inch (20") and twenty-four inch (24") PVC Force Main; and related appurtenances to service part of the South Coastal Regional Wastewater Treatment Facility service area, to be located generally from the existing Pump Station #30 along Old Mill Bridge Road (Road 381), Bayard Road (Road 384), Double Bridges Road (Road 363) and Parker House Road (Road 382) to the South Coastal Regional Wastewater Treatment Facilities, Baltimore Hundred, Sussex County.

The Sussex County Engineering Department and Fusco Properties to construct eight inch (8") PVC gravity sewers; manholes; laterals and clean-outs; one non-clog pump station with dual pumps; four inch (4") Force Main and related appurtenances to service the Cool Spring Meadows residential subdivision to be located at the northwest corner of Stockley Road (Road 280) and Cool Spring Road (Road 290), Indian River Hundred, Sussex County.

A public hearing on the above applications will NOT be held unless the Secretary of DNREC receives a request for a hearing by December 1, 2011. For additional information, please contact Molly Mackil at (302) 739-9946 or visit:

<http://www.dnrec.delaware.gov/Lists/Public%20Notices/DispForm.aspx?ID=1283&Source=http%3A%2F%2Fwww%2Ednrec%2Edelaware%2Egov%2FLists%2FPublic%2520Notices%2FAllItems%2Easpx&ContentTypeId=0x010034FD6D348B0CF04392485E93FC15AB3A>

GROUND WATER DISCHARGES LEGAL NOTICE - The following have filed an application:

ON-SITE WASTEWATER TREATMENT AND DISPOSAL SYSTEM PERMIT

Nicholas and Joanne Tsaganos have submitted an application for a construction permit for an on-site wastewater treatment and disposal system for the Summit Center. The system has been designed to accommodate 5,001 gallons per day. The site is located at 4380 Summit Bridge Road, New Castle County; tax map #13-007.00-079.

Artesian Wastewater Management has submitted a renewal application for an on-site wastewater treatment and disposal system for the Windstone Development Temporary Holding Tank. The system has been constructed to accommodate 9,900 gallons per day. The site is located on the North side of Cave Neck Road and approximately 4,000 feet East of Hudson Road, Sussex County; tax map #2-35-22.00-24.00.

Malcolm Berman has submitted a renewal application for an operation permit for an on-site wastewater treatment and disposal system for the Tall Pines Campground wastewater treatment and disposal system. The system has been constructed to accommodate 4,500 gallons per day. The site is located at 29551 Persimmon Road, Sussex County; tax map #3-34-4.00-32.00.

A public hearing on the above applications will NOT be held unless the Secretary of DNREC receives a request for a hearing by December 5, 2011. For additional information, please contact Jennifer Owens at (302) 739-9948 or visit:

<http://www.dnrec.delaware.gov/Lists/Public%20Notices/DispForm.aspx?ID=1287&Source=http%3A%2F%2Fwww%2Ednrec%2Edelaware%2Egov%2FLists%2FPublic%2520Notices%2FAllItems%2Easpx&ContentTypeId=0x010034FD6D348B0CF04392485E93FC15AB3A>

SPRAY IRRIGATION PERMIT

New Castle County, Department of Special Services has applied to the Ground Water Discharges Section for the renewal of Spray Irrigation Permit LTS 3035-92-08. The permit authorizes the operation and maintenance of the facility known as Lea Eara Farms Wastewater Treatment Plant (aka Summit Farms Wastewater Treatment Plant). The Lea Eara Farms Wastewater Treatment Plant collects, treats, and spray irrigates domestic wastewater from the Summit Farms and the Lea Eara Farms subdivisions. Both the facility and the 13.5 acre spray irrigation field are located on the east side of Old Summit Bridge Road; west of the Conrail tracks; south of the Chesapeake and Delaware Canal; and north of Lorwood Grove Road (County Road 412). A public hearing on the above application will NOT be held unless the Secretary of DNREC receives a request for a hearing by December 5, 2011. For additional

information, please contact Jennifer Owens at (302) 739-9948 or visit:
<http://www.dnrec.delaware.gov/Lists/Public%20Notices/DispForm.aspx?ID=1287&Source=http%3A%2F%2Fwww%2Ednrec%2Edelaware%2Egov%2FLists%2FPublic%2520Notices%2FAIItems%2Easpx&ContentTypeId=0x010034FD6D348B0CF04392485E93FC15AB3A>

AGRICULTURAL UTILIZATION PERMIT REQUEST FOR RENEWAL - STATE PERMIT NUMBER AGU 0021/92C ISSUED TO CLEAN DELAWARE, LLC.

- Clean Delaware, LLC. has requested renewal of their existing agricultural utilization (AGU) permit, State Permit Number AGU 0021/92C. The current permit authorizes land treatment of Class B stabilized biosolids and other wastes/residuals, at agronomic rates, onto 3 non-contiguous farm parcels known as the Milton Farm, the Harbeson Farm and the New Market/Ellendale Farm. The existing AGU permit also authorizes the application of lime stabilized septage at agronomic rates to the Milton Farm. The farms comprise a total of approximately 280 acres throughout northeastern Sussex County. Upon renewal of the existing AGU permit, biosolids, septage and wastes/residuals will continue to be delivered to the land application sites in accordance with Delaware waste transporters permit number WH-13 where the materials will be land applied at agronomic rates. All materials to be land applied are required to undergo periodic analysis for a list of specific parameters including nutrient and metals content. Upon renewal of the AGU Permit, the Permit number will be changed from AGU 0021/92C to AGU 1202-S-03. A public hearing on the above application will NOT be held unless the Secretary of DNREC receives a request for a hearing by December 16, 2011. For additional information, please contact Brian Churchill at (302) 739-9946 or visit:

<http://www.dnrec.delaware.gov/Lists/Public%20Notices/DispForm.aspx?ID=1279&Source=http%3A%2F%2Fwww%2Ednrec%2Edelaware%2Egov%2FLists%2FPublic%2520Notices%2FAIItems%2Easpx&ContentTypeId=0x010034FD6D348B0CF04392485E93FC15AB3A>

BROWNFIELDS DEVELOPMENT PROGRAM – The Division's Brownfields Development Program encourages the cleanup and redevelopment of vacant, abandoned or underutilized properties which may be contaminated. A party seeking to develop such a property negotiates with the Division's Site Investigation and Restoration Section (SIRS) for a Brownfields Development Agreement (BDA) or a Brownfields Voluntary Cleanup Program (VCP) Agreement to perform an investigation and, if necessary, a remedial action or remedy, for the purpose of addressing the risks posed by past releases of hazardous substances at these sites. For site-specific information on the following sites, please see SIRS's superfund site files database at:
<http://docs.dnrec.delaware.gov/sirbsitefiles.cfm>.

NOTIFICATION OF NEGOTIATIONS FOR A BROWNFIELDS DEVELOPMENT AGREEMENT FOR THE FORMER DIAMOND STATE RECYCLING CENTER SITE (DE-0280)

– The Site Investigation and Restoration Section (SIRS) is negotiating a Brownfields Development Agreement (BDA) with Simsmetal East LLC regarding the Former Diamond State Recycling Center Site (Site) located at 1600 Bowers Street in Wilmington. Known by New Castle County as tax parcel number 26-037.00-008, the approximately 8 acre Site may have had a release of hazardous substances as a result of past use including use as a salvage yard and permitted or non-permitted landfill. For additional information, please contact Wilmer Reyes or Robert Newsome at (302) 395-2600 or visit:

<http://www.dnrec.delaware.gov/Lists/Public%20Notices/DispForm.aspx?ID=1261&Source=http%3A%2F%2Fwww%2Ednrec%2Edelaware%2Egov%2FLists%2FPublic%2520Notices%2FAIItems%2Easpx&ContentTypeId=0x010034FD6D348B0CF04392485E93FC15AB3A>

FINAL PLAN OF REMEDIAL ACTION FOR THE KALMAR NYCKEL/CHALLENGE SITE (OPERABLE UNIT -2) (DE-0339)

- The Site Investigation and Restoration Section (SIRS) has adopted a plan regarding the clean-up of the Kalmar Nyckel/Challenge Site (OU-2) located at 1112 & 1124 East 7th Street in Wilmington. The entire Kalmar Nyckel/Challenge Program Site is owned by the City of Wilmington and is leased to the Kalmar Nyckel Foundation. The OU-2 portion is ~ 2.71 acres. The Foundation currently utilizes

it as a shipyard, museum and office space. The plan is to continue to use it as such. The site soil is contaminated with substances related to historic contaminated fill material and the historic use of the site as a railroad car manufacturer. Groundwater usage is restricted due to the Site's location within the City of Wilmington's Groundwater Management Zone (GMZ). This Proposed Plan addresses only OU-2. The proposed cleanup for OU-2 includes the installation of clean utility corridors, and capping of the remainder of surface soils with either hardscaping (e.g. concrete, asphalt) or a minimum of 1 foot of DNREC-approved clean fill material with the goal of making the site suitable for recreational use. The public may appeal this final plan until December 3, 2011. For additional information, please contact Lindsay Hall or Robert Newsome at (302) 395-2600 or visit:

<http://www.dnrec.delaware.gov/Lists/Public%20Notices/DispForm.aspx?ID=1281&Source=http%3A%2F%2Fwww%2Ednrec%2Edelaware%2Egov%2FLists%2FPublic%2520Notices%2FAllItems%2Easpx&ContentTypeId=0x010034FD6D348B0CF04392485E93FC15AB3A>

PROPOSED PLAN OF REMEDIAL ACTION FOR THE BOYD'S CORNER FARM SITE DE-1499

- The Site Investigation and Restoration Section (SIRS) invites public comment on a proposal to clean up the Boyd's Corner Farm Site in Middletown. The two acre Site is currently farmed fields, woods and wetlands, and borders a stream that feeds into Shallcross Lake. Previously, the Site was an unpermitted dump. The Site does not pose an unacceptable risk for the proposed residential development. The debris from the dump has been removed. No other remedial actions will be required for the Site. The comment period ends on December 12, 2011. For additional information, please contact Kate Durant or Robert Newsome at (302) 395-2600 or visit:

<http://www.dnrec.delaware.gov/Lists/Public%20Notices/DispForm.aspx?ID=1288&Source=http%3A%2F%2Fwww%2Ednrec%2Edelaware%2Egov%2FLists%2FPublic%2520Notices%2FAllItems%2Easpx&ContentTypeId=0x010034FD6D348B0CF04392485E93FC15AB3A>

AIR QUALITY PERMITTING PROGRAM – Notice has been given that the facilities listed below have submitted applications for air quality management permits. The applications, the “draft/proposed” permits, all materials that the applicant has submitted (other than those granted confidential treatment under DNREC rules), and a copy of summary of other materials, if any, considered in preparing the “draft/proposed” permit may be inspected at the offices of the Division of Air Quality, 655 S. Bay Road, Dover and 715 Grantham Lane, New Castle. To submit comments, for additional information or for an appointment to inspect the application, please contact Joanna Austin at the Dover Office at (302) 739-9402.

7 DE ADMIN. CODE 1102 NATURAL MINOR PERMIT APPLICATIONS –

Notice is hereby given that SPI Pharma, Inc., requests a permit to retrofit two existing boilers to allow the combustion of natural gas in addition to No. 2 fuel oil at their 40 Cape Henlopen Drive, Lewes facility. The boilers have an aggregate potential to emit (PTE): 16.26 TPY of NO_x; 9.38 TPY of CO; 34.66 TPY of SO_x; 2.68 TPY of PM; and 0.62 TPY of VOC. By Permit # (APC-1980/0990-CONSTRUCTION (Amendment 2) (GACT); APC-1980/0991-CONSTRUCTION (Amendment 2) (GACT)) actual emissions will not exceed: 16.26 TPY of NO_x; 9.38 TPY of CO; 34.66 TPY of SO_x; 2.68 TPY of PM; and 0.62 TPY of VOC. A public hearing on any of the above application will NOT be held unless the Secretary of DNREC receives a request for a hearing by November 28, 2011. For additional information, please visit:

<http://www.dnrec.delaware.gov/Lists/Public%20Notices/DispForm.aspx?ID=1278&Source=http%3A%2F%2Fwww%2Ednrec%2Edelaware%2Egov%2FLists%2FPublic%2520Notices%2FAllItems%2Easpx&ContentTypeId=0x010034FD6D348B0CF04392485E93FC15AB3A>

FEDERALLY ENFORCEABLE 7 DE ADMIN. CODE 1102 APPLICATIONS -

Notice is hereby given that Delaware Municipal Electric Corporation having a facility at 217 Artisan Drive in Smyrna has requested a federally enforceable 7

DE Admin. Code 1102 construction permit for a 51 Megawatt (MW) Simple Cycle Combustion Turbine Generating System equipped with Selective Catalytic Reduction (SCR). The permit will increase emissions of NOx by 7.53 TPY, CO by 31.72 TPY, VOC by 13.24 TPY, SOx by 2.31 TPY, PM10 by 4.86 TPY, PM2.5 by 4.86 TPY, Hazardous Air Pollutants by 0.7 TPY, Formaldehyde by 0.49 TPY, Ammonia by 9.57 TPY, and CO2 by 0.576 tons per Megawatt hour.

A public hearing on the above application will NOT be held unless the Secretary of DNREC receives a request for a hearing by November 30, 2011. For additional information, please visit:

<http://www.dnrec.delaware.gov/Lists/Public%20Notices/DispForm.aspx?ID=1267&Source=http%3A%2F%2Fwww%2Ednrec%2Edelaware%2Egov%2FLists%2FPublic%2520Notices%2FAllItems%2Easpx&ContentTypeId=0x010034FD6D348B0CF04392485E93FC15AB3A>

TITLE V SYNTHETIC MINOR PERMIT APPLICATIONS – The following have filed an application:

SPI Pharma, Inc. has submitted an application, pursuant to 7 DE Admin. Code 1102, Section 2.1, 11.2.9, and 12.3 for modifications to the Spray Dryer to combust natural gas or Propane at 40 Cape Henlopen Drive, Lewes. SPI Pharma, Inc. requests that the following existing limitations be maintained: 8,400 operating hours per twelve month rolling period; 300,000 gallons of Propane for Spray Dryer; and restrictions on the silo loading rates. These limits are necessary to restrict SPI Pharma, Inc.'s potential to emit air pollutants, and the limits will be enforceable by the EPA and the State. Total estimated emissions from the facility are: 14.64 TPY of PM; 23.14 TPY of NOx; 11.61 TPY of CO; 0.92 TPY of VOC; and 34.99 TPY of SOx. A public hearing concerning the permitting action will not be held unless the Secretary DNREC receives a request for such hearing by December 13, 2011. For additional information, please visit:

<http://www.dnrec.delaware.gov/Lists/Public%20Notices/DispForm.aspx?ID=1277&Source=http%3A%2F%2Fwww%2Ednrec%2Edelaware%2Egov%2FLists%2FPublic%2520Notices%2FAllItems%2Easpx&ContentTypeId=0x010034FD6D348B0CF04392485E93FC15AB3A>

Perdue AgriRecycle, LLC, has submitted an application, pursuant to 7 DE Admin. Code 1102, Section 2.1, 11.2.9, and 12.3 for construction of a prilling process at 28338 Enviro Way. Perdue AgriRecycle, LLC, requests a limit on emissions based on 4,091 hours of operation and controlling emissions with baghouses and a scrubber. These limits are necessary to restrict Perdue AgriRecycle, LLC, potential to emit air pollutants, and the limit will be enforceable by the EPA and the state. A public hearing concerning the permitting action will not be held unless the Secretary of DNREC receives a request for such hearing by December 20, 2011. For additional information, please visit:

<http://www.dnrec.delaware.gov/Lists/Public%20Notices/DispForm.aspx?ID=1284&Source=http%3A%2F%2Fwww%2Ednrec%2Edelaware%2Egov%2FLists%2FPublic%2520Notices%2FAllItems%2Easpx&ContentTypeId=0x010034FD6D348B0CF04392485E93FC15AB3A>

WATER PERMITTING PROGRAM - The Division of Water monitors, manages and protects Delaware's ground and surface waters, tidal wetlands and underwater lands. The Division is a link to the Delaware Estuary Program, Inland Bays Estuary Program and the Delaware River Basin Commission, and provides centralized computer and geographic information system services. The Division also provides public education and outreach programs. Applications below are available for inspection or copies may be obtained by contacting: Gayle Calder, Wetlands and Subaqueous Lands Section, 89 Kings Highway, Dover – 19901, or by calling (302) 739-9943. A public hearing on the applications below will NOT be held unless the Secretary of DNREC determines that a hearing is in the public interest or if a written meritorious objection to the application is received within 20 days of the initial notice.

SUBAQUEOUS LANDS PERMIT APPLICATIONS – The following have submitted an application:

New Castle County Department of Special Services (No tax Parcel- DelDOT right-of-way) - To install 20 linear feet of 10 inch HDPE pipe by horizontal directional drill under an unnamed tributary of the Chesapeake and Delaware Canal at Clarks Corner Road south of Cox Neck Road, New Castle.

A public hearing on the above applications will NOT be held unless the Secretary of DNREC determines that a hearing is in the public interest or if a written meritorious objection to the application is received by December 9, 2011. For additional information, please visit:

<http://www.dnrec.delaware.gov/Lists/Public%20Notices/DispForm.aspx?ID=1276&Source=http%3A%2F%2Fwww%2Ednrec%2Edelaware%2Egov%2FLists%2FPublic%2520Notices%2FAIItems%2Easpx&ContentTypeId=0x010034FD6D348B0CF04392485E93FC15AB3A>

SUBAQUEOUS LANDS PERMIT AND WATER QUALITY CERTIFICATION APPLICATIONS – The following have submitted an application:

Snug Harbor Condominium (Dredge site -Tax Parcel No. 3-34-14.05-31.00; Transfer site - Tax Parcel No. 3-34-19-1134; Final disposal site – Tax Parcel No. 2-34-21.00-139.00) - To dredge 600 cubic yards of material, dredging to a depth of 4 feet below mean low water, from the Snug Harbor Condo Marina at Cedar Road, North Shores, and to transfer the material to Lot 27, Bay Harbor Circle, Bay Harbor for dewatering. Both sites are adjacent to the Lewes and Rehoboth Canal in Rehoboth Beach. Final material disposal is at Lawson Road, Georgetown, Sussex County, DE

A public hearing on the above application will NOT be held unless the Secretary of DNREC determines that a hearing is in the public interest or if a written meritorious objection to the application is received by December 9, 2011. For additional information, please visit:

<http://www.dnrec.delaware.gov/Lists/Public%20Notices/DispForm.aspx?ID=1276&Source=http%3A%2F%2Fwww%2Ednrec%2Edelaware%2Egov%2FLists%2FPublic%2520Notices%2FAIItems%2Easpx&ContentTypeId=0x010034FD6D348B0CF04392485E93FC15AB3A>

WETLANDS AND SUBAQUEOUS LANDS SECTION – The following have submitted an application:

Division of Watershed Stewardship – (Tax Parcel No. 135-13.00-5.01) - To install a 40 foot long road crossing using two 48 inch diameter pipes and to place 21 cubic yards of riprap for scour protection in the Georgetown Vaughn Tax Ditch, north of Seashore Road and east of Piglet Road, near Georgetown

Robert Freeman (Tax Parcel #3-34-13-1309.00) - To install a 4 by 10 foot pier, a 6 by 35 foot dock, a boatlift and a personal watercraft lift in the Lewes and Rehoboth Canal at Lot 12 Eleanor Lee Lane East, Rehoboth Beach

JoAnn Notargiacomo (Tax Parcel # 1-34-3.00-228.00) - To install a boat lift on two existing pilings, two personal watercraft lifts on 2 new pilings and to construct an 18 by 50 foot long boat ramp in the Indian River Bay at 34300 Indian River Drive, Bay Colony, Dagsboro

Judy Belk (Tax Parcel #1-34-7.00-106.00) - To replace an existing bulkhead with 108 linear feet of bulkhead with a rock toe, and to construct a 4 by 65 foot pier and two stand-alone pilings in the Indian River Bay at Seagrass Plantation, Dagsboro

A public hearing on the above applications will NOT be held unless the Secretary of DNREC determines that a hearing is in the public interest or if a written meritorious objection to the application is received by November 26, 2011. For additional information, please visit <http://www.dnrec.delaware.gov/Lists/Public%20Notices/DispForm.aspx?ID=1264&Source=http%3A%2F%2Fwww%2Ednrec%2Edelaware%2Egov%2FLists%2FPublic%2520Notices%2FAllItems%2Easpx&ContentTypeId=0x010034FD6D348B0CF04392485E93FC15AB3A>

SUBAQUEOUS LANDS AND WETLANDS APPLICATIONS – The following have submitted an application:

Indian River Power LLC (TM 2-33-2.00-2) - To stabilize 620 linear feet of eroding shoreline with two marsh toe sills and plant 12,820 square feet of low marsh vegetation behind the sills along the Indian River near the cooling water intake at the Indian River Power Plant, 29416 Power Plant Road, Dagsboro

A public hearing on the above applications will NOT be held unless the Secretary of DNREC determines that a hearing is in the public interest or if a written meritorious objection to the application is received by November 26, 2011. For additional information, please visit <http://www.dnrec.delaware.gov/Lists/Public%20Notices/DispForm.aspx?ID=1264&Source=http%3A%2F%2Fwww%2Ednrec%2Edelaware%2Egov%2FLists%2FPublic%2520Notices%2FAllItems%2Easpx&ContentTypeId=0x010034FD6D348B0CF04392485E93FC15AB3A>

EMPLOYEE UPDATES:

Effective November 28, Division of Air Quality's Jill Winterling will resign her position as a Chemist to go to another state agency.

CONTACT INFORMATION:

24-Hour Report and Spill Notification Line - 1-800-662-8802
Aboveground Storage Tanks - 302-395-2500
Air Quality - New Castle Office - 302-323-4542
Asbestos New Castle - 302-323-4542
Asbestos Kent & Sussex - 302-739-9402
Biosolids Permits - 302-739-9946
Boiler Safety - 302-744-2735
Brownfields - 302-395-2600
Delaware Estuary Program - 302-739-9949
Division of Air Quality Director's office - 302-739-9402
Division of Waste and Hazardous Substances Director's Office - 302-739-9400
Division of Water Director's Office - 302-739-9950
Dock/Dredging/Bulkheads/Rip-Rap/Wetlands & Subaqueous Lands – 302-739-9943
Emergency Prevention and Response - 302-739-9404
Environmental Crimes Unit - 302-739-9401 or 1-800-662-8802
Hazardous Waste - 302-739-9403
Loans & Grants for Wastewater and Septics (Financial Assistance Branch) - 302-739-9941
Medical Waste - 302-739-9403
Non-Hazardous Liquid Waste Transporters - 302-739-9948
On-site Wastewater Licensing Program - 302-739-9948
Open Burning - 302-739-9402
Outreach Ombudsman - 302-395-2515
Recycling - 302-739-9403
Septic System Permits - Large Systems (Community & I/A) State-wide - 302-739-9948
Septic System Permits - Small Systems for Kent & New Castle Counties - 302- 739- 9947
Septic System Permits - Small Systems for Sussex County & Holding Tank Compliance Program - 302-856-4561
Site Investigation & Restoration Branch (Superfund/Brownfields) - 302-395-2600

Solid Waste - 302-739-9403
Source Water Protection - 302-739-9945
Stormwater Permits - 302-739-9946
Surface Water Discharge Permits (NPDES) - 302-739-9946
Underground Injection Control & Spray Irrigation - 302-739-9948
Underground Storage Tanks - 302-395-2500
Wastewater Collection, Conveyance and/or Treatment Facility Construction Permits –
302-739-9946
Wastewater Treatment Facility Operators - 302-739-9946
Water Allocation Permits - 302-739-9945
Water Testing - Drinking Water (Division of Public Health) - 302-741-8630
Well Driller's License - 302-739-9944
Well Permits & Licensing - 302-739-9944